

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JDR INDUSTRIES, INC., a Nebraska
corporation;

Plaintiff,

vs.

JAMES L. VANCE, AND MICHAEL E.
MCDOWELL, personal representative of Estate
of Edwin K. McDowell and as trustee of the
Edwin K McDowell Revocable Trust dated
September 28, 2011;

Defendants.

8:14CV284

MEMORANDUM AND ORDER

Defendant Michael E. McDowell, in his capacity as personal representative of Estate of Edwin K. McDowell and trustee of the Edwin K McDowell Revocable Trust dated September 28, 2011, has moved to stay all court proceedings for six months pending the Douglas County Court's determination of the Formal Petition to close the Estate of Edwin K. McDowell, ((Filing No. [151-1](#)), and to terminate the Revocable Trust Agreement of Edwin K. McDowell dated September 28, 2011, (Filing No. [151-2](#)). The Douglas County Court held a hearing on these petitions today, and the judge took the matters under advisement.

Until the Douglas County Court renders its decision, this court faces considerable uncertainty regarding which parties remain in this lawsuit, and whether and to what extent the pending claims will be rendered moot by the state court's decision. And once the state court decision is filed, the parties must sort out who is a remaining defendant, and for which claims, before the court can enter any meaningful dispositive rulings.

Accordingly, to avoid the potentially unnecessary expenditure of federal judicial resources,

IT IS ORDERED:

- 1) Defendant, Michael McDowell's, motion to stay. (Filing No. [151](#)), is granted.

2) The pending summary judgment and related motions, ([Filing Nos. 83](#), [98](#), [115](#), [135](#), [150](#)), are denied without prejudice to re-filing after the Douglas County Court decides whether the Edwin K. McDowell estate is closed and whether the Edwin K McDowell Revocable Trust dated September 28, 2011 is terminated.

3) Within 10 days following the state court's determination on the pending probate issues, counsel shall contact my chambers to set a conference for scheduling further progression of this case to final disposition.

Dated this 23rd day of September, 2016

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge